

KATHLEEN A. LEAVITT
CHAPTER 13 BANKRUPTCY TRUSTEE
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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

IN RE:
IAN BAYNE

Debtor(s)

CHAPTER 13
CASE NO: BKS-18-17497-BTB
MOTION TO DISMISS FOR FAILURE TO MAKE
PLAN PAYMENTS

RANDOLPH LAW FIRM PC
Attorney for the Debtor

MOTION TO DISMISS
Hearing Date: 03/28/2019
Hearing Time: 2:00 pm

Comes now KATHLEEN A. LEAVITT, Chapter 13 Bankruptcy Trustee, in the above captioned
bankruptcy case and files this Motion based on the Memorandum of Points and Authorities as follows:

Memorandum of Points and Authorities

Statement of Facts

1. Debtor(s) filed an Original Petition under Chapter 13, Title 11 of the United States Code on 12/26/2018.
2. Debtor(s) Plan has not been confirmed.
3. Trustee requests that the Court take Judicial Notice of the Docket in this case.

Argument

The Trustee requests that this case be dismissed pursuant to 11 U.S.C. § 1307(c) for one or more of the following reasons:

- Want of prosecution and unreasonable delay has been caused due to Debtor(s) failed to appear at the Section 341 Meeting of Creditors: IAN BAYNE 11 U.S.C. §341(a) & 1307(c)(1) & F.R.B.P. 4002 (a)(1)
- Failure to conclude Section 341 Meeting of Creditors. 11 U.S.C. §1307(c)(1)

- Debtor(s) failed to commence Plan payments. 11 U.S.C. §1326(a)(1) & 1307(c)(4)
- Debtor(s) is/are delinquent in plan payments. 11 U.S.C. §1307(c)(1)
- Debtor has failed to timely file a plan in compliance with 11 U.S.C. sec. 1321 & F.R.B.P. 301

Debtor(s) failed to cooperate with the Trustee as necessary to enable the Trustee to perform her duties pursuant to 11 U.S.C. §521(a)(3), §704 and/or §1302. This failure to cooperate has caused unreasonable delay that is prejudicial to creditors under 11 U.S.C. §1307(c)(1) as the Debtor(s) did not provide the following documents:

- All tax returns for all taxable periods ending during the 4-year period ending on the date of the filing of the petition. Specifically: 2018 once filed.
- Bank Statement(s) for the following period(s): US Bank #1299: 12/22/18 - 12/26/18.
- Verification of estimated tax payments; auto insurance.
- Amendment to Voluntary Petition: #12 list business
- Amendment to Statement of Financial Affairs: #27: disclose business.

Conclusion

WHEREFORE, for the foregoing reasons, the Trustee recommends that this case be dismissed pursuant to 11 U.S.C. §1307(c).

Dated: 2/11/19

/s/ Kathleen A. Leavitt
Kathleen A. Leavitt
Chapter 13 Trustee